

Chapter 8.04

DEFINITIONS

Sections:

8.04.005 Abandonment.
8.04.006 Allow.
8.04.010 Animal.
8.04.020 Animal at large.
8.04.025 Animal boarding establishment.
8.04.026 Animal Control Officer
8.04.027 Animal exhibition
8.04.030 Animal grooming parlor.
8.04.035 Animal shelter.
8.04.045 Attack.
8.04.050 Bite.
8.04.055 Breeder.
8.04.060 Cat.
8.04.065 Cattery.
8.04.070 City.
8.04.075 Commercial animal establishment.
8.04.080 Custody.
8.04.085 Dangerous animal.
8.04.086 Director.
8.04.087 Division.
8.04.090 Dog.
8.04.095 Domesticated animals.
8.04.100 Enclosure.
8.04.105 Euthanasia.
8.04.110 Exotic animal.
8.04.111 Ferret.
8.04.115 Fierce.
8.04.116 Guard Dog.
8.04.124 Handler.
8.04.125 Harbor.
8.04.126 Health department.
8.04.130 Holding facility.
8.04.140 Humane treatment.
8.04.145 Hybrid.
8.04.150 Identification.
8.04.155 Impoundment.
8.04.160 Kennel.
8.04.170 Leash or lead.
8.04.175 Livestock.

8.04.184 Nuisance/Public nuisance animal.
8.04.185 On-site impound.
8.04.190 On-site redemption.
8.04.195 Overwork.
8.04.200 Owner (custodian/caretaker).
8.04.202 Owner of record.
8.04.204 Performing animal exhibition.
8.04.205 Person.
8.04.210 Pet or companion animal.
8.04.215 Pet shop.
8.04.220 Protective custody.
8.04.225 Provoke.
8.04.230 Public place.
8.04.240 Quarantine.
8.04.245 Restraint.
8.04.250 Riding school or stable.
8.04.255 Set.
8.04.260 Shelter.
8.04.265 Species subject to rabies.
8.04.280 Stray.
8.04.285 Trap.
8.04.290 Veterinarian.
8.04.291 Veterinary hospital.
8.04.295 Vicious animal.
8.04.300 Wild animal.
8.04.305 Working day.
8.04.310 Worry.
8.04.315 Zoological park.

8.04.005 Abandonment.

“Abandonment” means:

A. Placing an animal in an unsafe or dangerous environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than 24 hours.

B. Failing to reclaim an animal 72 hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter.

C. Failing or refusing to either reclaim a pet from an animal shelter or to sign relinquishment authorization.

8.04.006 Allow

“Allow” shall, for the purposes of this chapter, include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

8.04.010 Animal.

“Animal” means any and all types of non-human creatures, both domestic and wild, male and female, singular and plural.

8.04.020 Animal at large.

“Animal at large” means any animal, whether licensed or unlicensed, which is not under restraint imposed by the owner or handler.

8.04.025 Animal boarding establishment.

“Animal boarding establishment” means any establishment that takes in animals for boarding for profit.

8.04.026 Animal control officer

“Animal control officer” means the city’s animal control services contract provider, any person designated by the state of Utah as a peace officer or any other person designated by the city as an officer who is authorized to perform the duties specified by this title.

8.04.027 Animal exhibition

Animal exhibition means any display, event or contest involving animals.

8.04.030 Animal grooming parlor.

“Animal grooming parlor” means any commercial establishment maintained for the purpose of offering cosmetic services for animals for a fee.

8.04.035 Animal shelter.

“Animal shelter” means any facility owned, operated, or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective

custody under the authority of this title or state law.

8.04.045 Attack.

“Attack” means any bite, attempted bite, or similar fierce behavior by an animal which places a person or another animal in danger of immediate physical harm. Actual physical contact is not required to constitute an attack.

8.04.050 Bite.

“Bite” means an actual puncture, tear or abrasion of the skin, inflicted by the teeth of an animal.

8.04.055 Breeder.

“Breeder” is anyone who causes or allows the breeding of any pet identified within this title or makes that pet available to be bred.

8.04.060 Cat.

“Cat” means any feline of the domesticated types more than four months of age. Any feline of the domesticated types less than four months of age is a kitten.

8.04.065 Cattery.

“Cattery” means an establishment where cats are boarded, bred, bought, sold, or groomed for a fee.

8.04.070 City.

“City” means the city of Cottonwood Heights, Salt Lake County, state of Utah and all the territory within its future municipal boundaries and shall include any additions thereto by annexation or other legal means or any name change thereto.

8.04.075 Commercial animal establishment.

“Commercial animal establishment” means any pet shop, animal grooming parlor, guard dog location or exhibition, riding school or stable, zoological park, circus, rodeo,

animal exhibition, cattery, kennel, or animal breeding or housing facility.

8.04.080 Custody.

“Custody” means ownership, possession of, harboring, or exercising control over any animal.

8.04.085 Dangerous animal.

“Dangerous animal” means any animal that is a hazard to the public health and safety by virtue of training, treatment, physical condition, or disposition.

8.04.086 Director.

“Director” means the director of the city’s designated animal control services contract provider or any other person designated by the city as an officer who is authorized to perform the duties of the director specified by this title.

8.04.087 Division.

“Division” means the city’s designated animal control services contract provider or any other person, agency, or entity designated by the city to perform the duties of the division specified by this title.

8.04.090 Dog.

“Dog” means any *canis familiaris* more than four months of age. Any *canis familiaris* less than four months of age is a puppy.

8.04.095 Domestic animals.

“Domestic animal” means animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, ferrets, and livestock. “Domestic animal,” however, shall not include “Exotic animals.”

8.04.100 Enclosure.

“Enclosure” means any structure that prevents an animal from escaping its primary confines.

8.04.105 Euthanasia.

“Euthanasia” means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medical Association Panel on Euthanasia that results in unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

8.04.110 Exotic animal.

“Exotic animal” means any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, fur-bearing animals commercially bred for the furrier trade, birds, and dangerous animals.

8.04.111 Ferret.

“Ferret” means any domestic *Mustela putorius* (except the black footed ferret) more than four months of age. Any *Mustela putorius* less than four months of age is a kit.

8.04.115 Fierce.

“Fierce” means violent, hostile or aggressive temperament.

8.04.116 Guard dog.

“Guard dog” means any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured and will attack a human pursuant to training or its handler’s command.

8.04.124 Handler.

“Handler” is any person who has physical control, i.e. the charge, care, control, custody, or possession, or responsibility for the same, of an animal at any given time. An “owner” shall be presumed to have ultimate responsibility for the physical control of the animal and may divest himself of such responsibility only by the transferring of, or giving permission for, actual physical control

of the animal to a legally responsible adult person of age 18 or more. Whenever such other person of the requisite age has responsibility for physical control of the animal, such person shall be the “handler.” At all other times, the “owner” shall be presumed to be the “handler.”

8.04.125 Harbor.

“Harbor” means housing, feeding, or caring for someone else’s pet within a person’s house, yard, or premises for more than 24 hours without the permission of the owner.

8.04.126 Health department.

“Health department” means the Salt Lake Valley Health Department.

8.04.130 Holding facility.

“Holding facility” means any pet shop, kennel, cattery, animal grooming parlor, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

8.04.140 Humane treatment.

“Humane treatment” means ensuring the provision of appropriate food, human interaction, and care; and of protecting any animal from danger, mistreatment, neglect, or abuse.

8.04.145 Hybrid.

“Hybrid” means any animal, however tame or docile, that is the offspring of a breeding between a domestic animal and a wild animal, a domestic animal and a hybrid, or two hybrid animals.

8.04.150 Identification.

“Identification” means a pet license or identification tag which is attached to the collar or harness of an animal; a microchip implanted as recommended by the

manufacturer for the specific species; or a tattoo on the animal’s right ear or on its inside right thigh or groin, or other livestock identification such as ear tags, brands, etc.

8.04.155 Impoundment.

“Impoundment” means being taken into the custody of an animal control agency, police agency or an agent thereof.

8.04.160 Kennel.

“Kennel” means a commercial establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling said dogs.

8.04.170 Leash or lead.

“Leash” or “lead” means any chain, rope or device of sufficient strength used to restrain an animal.

8.04.175 Livestock.

“Livestock” means animals kept for husbandry, including but not limited to fowl, rabbits, horses, mules, burros, asses, cattle, sheep, goats, llamas, swine, and other farm, hoofed domesticated animals, excluding dogs, cats, and ferrets.

8.04.184 Nuisance.

“Nuisance” means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans’, other than their owner’s, enjoyment of life or property, or as defined in chapter 8.24.

8.04.185 On-site impound.

“On-site impound” means to place an animal under seizure by law enforcement personnel, animal services personnel or an agent thereof, on a property other than an animal services sheltering facility pending transportation or court seizure order.

8.04.190 On-site redemption.

“On-site redemption” means to return an impounded animal to the owner or caretaker prior to transportation to the sheltering facility upon collection of all applicable impound and/or license fees.

8.04.195 Overwork.

“Overwork” means to work or exercise any animal to a point of physical harm.

8.04.200 Owner (custodian/caretaker).

“Owner” means any person or entity keeping, possessing, maintaining, having an ownership interest in, or having control or custody of an animal.

8.04.202 Owner of record.

“Owner of record” means any person or entity that is connected to an animal through its rabies tag, license tag or microchip.

8.04.204 Performing animal exhibition.

“Performing animal exhibition” means any spectacle, display, act, or event in which animals are used to provide a performance whether a fee is charged or not.

8.04.205 Person.

“Person” means a natural person or any legal entity, including, but not limited to a corporation, limited liability company, firm, partnership, or trust.

8.04.210 Pet or companion animal.

“Pet” or “companion animal” means any animal of a species that has been domesticated to live in or about the habitation of humans, is dependant on humans for food and shelter and is kept by its owner for pleasure rather than utility and/or commercial purposes.

8.04.215 Pet shop.

“Pet shop” means any commercial establishment properly licensed to maintain, keep or display dogs, cats, birds, or other

household pets for sale. Pet shop does not include government animal shelters, humane shelters as defined by statute or veterinary clinics whose major business is veterinary medicine.

8.04.220 Protective custody.

“Protective custody” means seizing or receiving an animal into the care of the division, the animal services or an authorized agent or representative thereof, in order to hold the animal as evidence of a violation of the law or to protect the animal(s) from further threat or danger.

8.04.225 Provoke.

“Provoke” means any deliberate act by a person toward a dog or any other animal done with the intent to tease, torment, abuse, assault, or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking or molesting shall not be considered provocation.

8.04.230 Public place.

“Public place” means any location which is accessible to members of the general public, where members of the public gather, engage in business, or have free access.

8.04.240 Quarantine.

“Quarantine” means the isolation of an animal in an enclosure so that the animal cannot have physical contact with other animals or persons without recognized authority to be near or about the quarantined animal.

8.04.245 Restraint.

“Restraint” means any animal under the physical control of its owner or person over the age of 12 years having charge, care, custody, or control of the animal, by the means of a leash, tether, or other physical

control device or enclosure. A leash or tether shall not exceed eight feet in length when in close proximity to other animals or people. Animals confined in or upon a motorized vehicle shall be considered restrained, providing that the animal's body parts cannot extend beyond two inches from the vehicle, when the vehicle is not in motion and not more than the length of the distance from the animal's shoulders to the tip of its muzzle when the vehicle is in motion. Animals upon real property of their owner, or upon the real property of another (with prior permission of the property owner) and under direct adult supervision shall be considered under restraint, provided, however, that an animal shall not be considered under restraint within the real property limits of the owner or upon the real property of another (with prior permission of the property owner) if an individual engaged in a normal and expected activity may come in conflict with such animal.

8.04.250 Riding school or stable.

"Riding school" or "stable" means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers the use of such animals for hire.

8.04.255 Set.

"Set" means to cock, open or put a trap in such a condition that it would close when an object, animal or person touches a triggering device.

8.04.260 Shelter.

"Shelter" means a structure which is substantial in construction and provides protection from moisture, wind and other factors of weather, and is of a size appropriate to the particular animal to ensure retention of body heat within the enclosure. Any shelter will be maintained to ensure a clean, dry, healthy environment for the animal being

housed.

8.04.265 Species subject to rabies.

"Species subject to rabies" means any species that has been reported to the health department or the Center for Disease Control and Prevention to have contracted the rabies virus and become a host for that virus.

8.04.280 Stray.

"Stray" means any animal at large, as defined in this chapter.

8.04.285 Trap.

"Trap" means an apparatus designed to come together with force so as to clamp or close upon an animal, person, or object when the spring or triggering device is activated.

8.04.290 Veterinarian.

"Veterinarian" means any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

8.04.291 Veterinary hospital.

"Veterinary hospital" means any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries to animals.

8.04.295 Vicious animal.

"Vicious animal" means:

A. Any animal which, in an aggressive, terrorizing or threatening manner, approaches any person in apparent attitude of attack;

B. Any animal with a known propensity, tendency or disposition to attack unprovoked or to cause injury or otherwise endanger the safety of human beings or other animals; or

C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, except in the case of an injured animal or an animal which is deliberately provoked.

Whether an animal has been properly

licensed under the provisions of this title shall have no relevance to the determination of whether an animal is a “vicious animal” as defined herein.

8.04.300 Wild animal.

“Wild animal” means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated for rabies. These animals include, but are not limited to:

- A. Alligators and crocodiles;
- B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- C. Cat family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
- D. Constrictor snakes in excess of ten feet in length;
- E. Dog family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
- F. Lizards;
- G. Porcupine (Erethizontidae);
- H. Primate (Hominidae). All non-human primates;
- I. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- J. Skunks;
- K. Venomous fish and piranha;
- L. Venomous snakes or lizards; and
- M. Weasels (Mustelidae). All including martens, wolverines, black-footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

For the purpose of this section, animals that are kept commercially or ranched shall not be wild animals.

8.04.305 Working day.

“Working day” means any day the division’s animal services sheltering facility is open to the general public.

8.04.310 Worry.

“Worry” means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.

8.04.315 Zoological park.

“Zoological park” means any facility properly and lawfully licensed by applicable federal, state, or local law, operated by a person or government agency, other than a pet shop, kennel, or cattery, displaying or exhibiting one or more species of non-domesticated animals.